

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3053
)	
V.)	
)	
AARON WILLIAM POLK,)	ORDER
)	
Defendant.)	
_____)	

After considering the submissions of the probation officer, the Assistant United States Attorney and the Assistant Federal Public Defender,

IT IS ORDERED that the motion for compassionate release (filing no. [228](#)) is granted in part and denied in part as follows:

1. For the reasons set forth in the excellent brief of the Assistant Federal Public Defender (filing no. [234](#)), I am of the opinion that Mr. Polk may be an appropriate candidate for compassionate release because of extraordinary and compelling reasons having to do with the offender's own health (large tumor in neck and only partially successful excision this summer while in the BOP) and the health of his minor daughter (ongoing adrenal crises including 42 emergency room visits since Mr. Polk's imprisonment¹) coupled with the fact that the offender has been a model prisoner. As result, the Bureau of Prisons should review the matter and carefully consider whether it should file a motion under 18 U.S.C. § 3852(c)(1) with the undersigned so that I might further review the matter. That said, it would wise for

¹I note that AFD Richard McWilliams is in possession of 603 pages of medical records pertaining to Mr. Polk's child. Mr. McWilliams may be reached by calling 402.221.7896 or by e-mail, rich-mcwilliams@fd.org.

the Bureau of Prisons to delay consideration of this matter until on or after November 1, 2016, when an Amendment to the Sentencing Guidelines, Policy Statements, and Official Commentary relating to U.S.S.G. §1B1.13 are likely to become effective.

2. Mr. Polk's motion is otherwise denied.

3. The Clerk shall mail a certified copy of this Order and a certified copy of filing no. [234](#) to Mr. Polk in addition to providing CM/ECF notice to counsel.

4. The motion to restrict (filing no. [233](#)) is granted.

DATED this 29th day of August, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge